

MINUTES

MONTANA SENATE 61st LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chairman Gary L. Perry, on March 26, 2009 at 9:00
A.M., in Room 303 Capitol

ROLL CALL

Members Present:

Sen. Gary L. Perry, Chairman (R)
Sen. Jim Shockley, Vice Chairman (R)
Sen. Aubyn Curtiss (R)
Sen. John Esp (R)
Sen. Greg Hinkle (R)
Sen. Larry Jent (D)
Sen. Carol C. Juneau (D)
Sen. Cliff Larsen (D)
Sen. Jesse Laslovich (D)
Sen. Lynda Moss (D)
Sen. Terry Murphy (R)

Members Excused: Sen. Dan McGee (R)

Members Absent: None

Staff Present: Valencia Lane, Legislative Branch
Pam Schindler, Committee Secretary

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted: HB 216, HB 477, HB 504, 3/19/2009

Executive Action: HB 477-Be Concurred In, HB 504-Be
Concurred In, HB 95-Be Concurred In
As Amended, HB 216-Tabled

HEARING ON HB 216

Opening Statement by Sponsor:

00:01:43 Rep. Mike Menahan (D), HD 82, opened the hearing on HB 216, Increase penalty for felony DUI.

Proponents' Testimony:

00:06:59 David Carter, Deputy County Attorney, Yellowstone County; Montana County Attorneys Association

00:11:26 Barbara Harris, Assistant Attorney General, Department of Justice

Opponents' Testimony:

None

Informational Testimony:

00:12:07 Pam Bunke, Administrator, Adult Community Corrections Division, Department of Corrections

Questions from Committee Members and Responses:

00:12:47 Sen. Larsen
00:13:46 Ms. Bunke
00:14:12 Sen. Jent
00:15:02 Rep. Menahan
00:16:24 Sen. Shockley
00:16:55 Ms. Bunke
00:18:53 Sen. Shockley
00:18:58 Rep. Menahan
00:21:46 Sen. Hinkle
00:22:57 Rep. Menahan
00:24:31 Sen. Juneau
00:25:13 Rep. Menahan
00:27:06 Sen. Juneau
00:27:47 Ms. Bunke
00:30:24 Sen. Larsen
00:31:23 Ms. Bunke
00:32:15 Sen. Perry
00:32:50 Ms. Bunke
00:33:34 Sen. Perry
00:33:47 Rep. Menahan

Closing by Sponsor:

00:38:59 Rep. Menahan

HEARING ON HB 477

Opening Statement by Sponsor:

00:39:26 Rep. Mike Menahan (D), HD 82, opened the hearing on HB 477, Uniform adult guardianship and protective proceedings jurisdiction act.

[EXHIBIT\(jus67a01\)](#)

[EXHIBIT\(jus67a02\)](#)

[EXHIBIT\(jus67a03\)](#)

[EXHIBIT\(jus67a04\)](#)

[EXHIBIT\(jus67a05\)](#)

[EXHIBIT\(jus67a06\)](#)

[EXHIBIT\(jus67a07\)](#)

Proponents' Testimony:

00:45:40 Claudia Clifford, AARP Montana

Opponents' Testimony:

None

Informational Testimony:

None

Questions from Committee Members and Responses:

None

Closing by Sponsor:

00:47:03 Rep. Menahan

00:48:06 break

HEARING ON HB 504

Opening Statement by Sponsor:

01:00:31 Rep. Michele Reinhart (D), HD 97, opened the hearing on HB 504, Revise laws on guardianship of incapacitated person.

Proponents' Testimony:

01:04:30 Ann Brodsky, Chief Legal Council, Office of the Governor

01:07:54 Beth Brenneman, Attorney, Disability Rights Montana

Opponents' Testimony:

None

Informational Testimony:

None

Questions from Committee Members and Responses:

01:11:03 Sen. Hinkle

01:11:19 Rep. Reinhart

01:12:28 Sen. Perry

01:12:52 Rep. Reinhart

01:13:36 Ms. Brenneman

01:14:33 Sen. Esp

01:15:08 Ms. Brenneman

Closing by Sponsor:

01:17:56 Rep. Reinhart

Distributed to the Committee members regarding HB 228, heard 3/17/09:

[EXHIBIT\(jus67a08\)](#)

[EXHIBIT\(jus67a09\)](#)

01:19:05 break

EXECUTIVE ACTION ON HB 477

01:47:10 **Motion/Vote:** Sen. Esp moved that **HB 477 BE CONCURRED IN**. Motion carried unanimously by voice vote. Sen. Juneau, Sen. Moss, Sen. Laslovich, Sen. McGee, and Sen. Jent voted by proxy. Sen. Larsen will carry HB 477 on the Senate floor.

01:47:40 **Vote:** Motion that **HB 477 BE CONCURRED IN**

EXECUTIVE ACTION ON HB 504

01:49:02 **Motion:** Sen. Shockley moved that **HB 504 BE CONCURRED IN**.

Discussion:

01:49:19 Sen. Esp

(Sen. Juneau and Sen. Moss entered the room.)

01:49:54 **Vote:** Motion that **HB 504 BE CONCURRED IN** carried 10-2 by voice vote with Sen. Curtiss and Sen. Hinkle voting no. Sen. Laslovich, Sen. McGee, and Sen. Jent voted by proxy. Sen. Moss will carry HB 504 on the Senate floor.

EXECUTIVE ACTION ON HB 216

01:50:52 **Motion:** Sen. Shockley moved that **HB 216 BE CONCURRED IN**.

Discussion:

01:51:08 Sen. Esp

01:51:33 Sen. Hinkle

01:52:23 Sen. Larsen

01:53:10 Sen. Shockley

01:54:14 Sen. Larsen

01:54:21 Sen. Juneau

01:54:44 Sen. Shockley

01:56:04 Sen. Perry

01:57:56 Sen. Shockley

01:58:11 **Vote:** Motion that **HB 216 BE CONCURRED IN** failed 4-8 by roll call vote with Sen. Jent, Sen. Larsen, Sen. Laslovich, and Sen. Moss voting aye. Sen. Laslovich, Sen. Jent, and Sen. McGee voted by proxy.

01:58:54 **Motion:** Sen. Esp moved that **HB 216 BE TABLED AND THE VOTE REVERSED.** Motion carried.

EXECUTIVE ACTION ON HB 95

01:59:12 **Motion:** Sen. Shockley moved to **RECONSIDER THE PREVIOUS ACTION** on **HB 95 AND REMOVE IT FROM THE TABLE.**

01:59:43 Sen. Esp

01:59:57 Sen. Shockley

02:00:48 Sen. Esp

02:00:58 Valencia Lane, Legislative Services Division

(3/13/09-HB 95 was removed from the table with further action postponed on that day.)

02:02:04 Sen. Shockley **WITHDREW MOTION TO RECONSIDER THE PREVIOUS ACTION ON HB 95.**

02:02:33 **Motion:** Sen. Shockley moved that **HB 95 BE CONCURRED IN.**

02:04:08 Ms. Lane

02:04:36 **Motion:** Sen. Shockley moved that **HB 95 BE AMENDED.**
EXHIBIT(jus67a10)

Discussion:

02:05:58 Sen. Larsen

02:06:12 Sen. Murphy

02:06:23 Sen. Shockley

02:06:33 **Vote:** Motion that **HB 95 BE AMENDED** carried unanimously by voice vote. Sen. Laslovich, Sen. McGee, and Sen. Jent voted by proxy.

02:06:50 **Motion/Vote:** Sen. Shockley moved that **HB 95 BE CONCURRED IN AS AMENDED.** Motion carried 9-3 by roll call vote with Sen. Curtiss, Sen. Esp, and Sen. Hinkle voting no. Sen. Laslovich, Sen. McGee, and Sen. Jent voted by proxy. Sen. Shockley will carry HB 95 on the Senate floor.

Committee Business:

02:09:07 Sen. Larsen
02:09:13 Sen. Perry
02:09:28 Sen. Shockley

ADJOURNMENT

Adjournment: 11:10 A.M.

Pam Schindler, Secretary

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Additional Documents:

EXHIBIT ([jus67aad.pdf](#))